

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

UNITED STATES OF AMERICA

v.

NO. 1:19CR 107-LG-RHW

**NESTOR MARCELLO
CAMPOS-RAMENTHOL**

**ORDER DENYING DEFENDANTS' MOTION
TO REVOKE OR AMEND DETENTION ORDER**

BEFORE THE COURT is the Motion of the Defendant, Nestor Marcello Campos-Ramenthol, to Revoke or Amend Detention Order which the Court construes as a Motion for Review and Appeal pursuant to 18 U.S.C. § 3145(b), of the detention order entered by the Magistrate Judge on September 16, 2019 and reconsidered by order entered by the Magistrate Judge on April 14, 2020,

The Court has conducted a *de novo* review of the magistrate judge's findings and conclusions. In addition the Court has conducted a *de novo* and independent determination regarding pretrial detention based upon the statutory factors under 18 U.S.C. § 3142(g), the defendants Motion, pleadings and attached materials contained in the record, as well as the report and findings of the Pretrial Services Officer. *See U.S. v. Fortna* 769 F.2d 243 (5th Cir. 1985).

The Court finds as follows;

- 1) The defendant is a risk of flight and no condition or combination of conditions

will reasonably assure the presence of the defendant.

2) By clear and convincing evidence, the defendant is a danger to the community and no condition or combination of conditions will reasonably assure the safety of the community.

3) The defendant has been charged in a 16-count indictment, with serious controlled substance offenses for which the maximum penalty upon conviction is more than ten years. Therefore probable cause is ipso facto established, and there is a rebuttable presumption that defendant should be detained pending trial. The defendant has also on three prior occasions been convicted of felony controlled substance offences in state and federal court. Therefore, based upon the *de novo* consideration of all of the available materials, the defendant has failed to rebut the presumption that he is a risk of flight and a danger to the community and that no condition or combination of conditions will reasonably assure the defendant's appearance or the safety of the community.

4) The Court adopts and incorporates the magistrate judge's findings and conclusions contained in his written orders referenced above.

5) The Court has considered all arguments of counsel for the defendant and finds them unpersuasive and insufficient to warrant conditions of pretrial release.

IT IS THEREFORE ORDERED AND ADJUDGED that the Motion of the Defendant, Nestor Marcello Campos-Ramenthol, to Revoke or Amend Detention Order [108] which the Court construes as a Motion for Review and Appeal pursuant to 18 U.S.C. § 3145(b), should be, as is hereby **DENIED**.

SO ORDERED AND ADJUDGED this the 29th day of April, 2020.

s/ *Louis Guirola, Jr.*

LOUIS GUIROLA, JR.
UNITED STATES DISTRICT JUDGE